

**MEMO ENDORSED**

HMK/mb FS 7964A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/3/08

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COUTINHO & FERROSTAAL, INC.,  
formerly known as MAN FERROSTAAL, INC.,

Plaintiff,

ECF CASE

08 CV 5254 (DLC)(KNF)

-against-

M/V GREAT BLOSSOM, her engines, boilers,  
tackle, etc., GREAT BLOSSOM SHIPPING LTD.,  
SINOTRANS SHIP MANAGEMENT LTD.  
(HONG KONG), GEARBULK AG,

Defendants  
-----X

EX PARTE  
ORDER FOR PROCESS  
OF MARITIME  
ATTACHMENT  
AGAINST DEFENDANT  
GEARBULK AG.

WHEREAS, on June 9, 2008, plaintiff, Coutinho & Ferrostaal, Inc., filed a Verified Complaint with Prayer of Maritime Attachment herein seeking damages in the amount in excess of \$200,000.00, not inclusive of interest, costs, or attorneys fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command the United States Marshal or other designated process server attach any and all of the Defendant, Gearbulk AG's, property within the District of this Court, and;

WHEREAS, the Court has reviewed the Verified Complaint with Prayer for Maritime Attachment and the Supporting Affidavit pursuant to Local

*Vacated per  
plaintiff's withdrawal  
of application in  
letter received on  
7/8/08.  
Prime Code  
July 9, 2008*

Admiralty Rule B.1, and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that the Clerk of the Court shall issue Process of Maritime Attachment and Garnishment against all tangible and intangible property, including but not limited to electronic fund transfers, belonging to, received, due or being transferred to, claimed by or being held for the Defendant, Gearbulk AG, by any garnishees within this District, including but not limited to, Den Norske Bank, ABN AMRO Bank N.V., Deutsche Bank, HSBC (USA), Nordea Bank Finland PLC, Barclays Bank PLC, UBS A.G., Credit Suisse, Fortis Bank SA/NV, Bank of China, Bank of America, Wachovia Bank, Citibank, Commerce Bank, American Express Bank, J.P. Morgan Chase Bank, The Bank of New York, The Clearing House Interbank Payments System LLC, The New York Clearing House Association LLC, and/or Standard Chartered Bank, in an amount up to and including ~~\$250,000.00~~ <sup>\$200,000.00</sup> pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Order may

be issued by the Clerk upon application without further Order of the Court,  
and it is further

ORDERED, that following initial service by the United States Marshal or  
other designated process server upon each garnishee, that supplemental  
service of the Process of Maritime Attachment and Garnishment, as well as this  
Order, may <sup>with the consent of the garnishee</sup> be made by way of facsimile transmission or other verifiable  
electronic means, including email, to each garnishee; and it is further *dlc*

ORDERED, that service upon any garnishee as described above is  
<sup>with consent of the garnishee</sup> deemed effective continuous service throughout the business day from the time  
of such service through the opening of the garnishees' business the next  
business day, and it is further

ORDERED, the pursuant to Federal Rule of Civil Procedure 5(b)(2)(D)  
each garnishee may consent, in writing, to accept service by any other means;  
and it is further

ORDERED, that a copy of this Order be attached to and served with said  
Process of Maritime Attachment and Garnishment.

Dated: June , 2008

*July 3, 2008*

SO ORDERED:

*Annice Cole*  
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U.S.D.J.